

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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|                           |   |                               |
|---------------------------|---|-------------------------------|
| WILLIAM STEFANIAK and     | * | CIVIL ACTION NO. 05-11465-MLW |
| JANICE STEFANIAK,         | * |                               |
| Plaintiffs                | * |                               |
|                           | * |                               |
| v.                        | * |                               |
|                           | * |                               |
| VOYAGER III, LLC,         | * |                               |
| WATER TRANSPORTATION      | * |                               |
| ALTERNATIVES, INC.,       | * |                               |
| NEW ENGLAND AQUARIUM      | * |                               |
| CORPORATION, and          | * |                               |
| NEW ENGLAND AQUARIUM      | * |                               |
| MARINE LIFE CENTER, INC., | * |                               |
| Defendants.               | * |                               |

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**PROPOSED JOINT SCHEDULING ORDER**

The parties in the above-captioned action, by and through their undersigned attorneys, submit the following Proposed Joint Scheduling Order pursuant to the provisions of Fed.R.Civ.P. 16(b) and Local Rule 16.1. The scheduling conference in this matter is currently set for 4:30 p.m. on Wednesday, May 24, 2006.

I. **NATURE OF THE CASE**

On July 14, 2004, the plaintiff, WILLIAM STEFANIAK, sustained personal injuries while onboard the M/V VOYAGER III for a whale watch. At all material times, the M/V VOYAGER III was managed and owned by Voyager III, LLC and Water Transportation Alternatives, Inc. As a result of the aforesaid incident, the plaintiffs commenced this maritime cause of action alleging negligence against the defendants. The defendants deny any responsibility for the injuries sustained by WILLIAM STEFANIAK.

II. OBLIGATION OF COUNSEL TO CONFER

The parties have conferred in accordance with the provision of Local Rule 16.1, and agree to explore the possibilities of alternative dispute resolution upon the completion of discovery. Counsel have also conferred with their respective clients concerning those matters mentioned in Local Rule 16.1(D)(3) and have filed their certifications with the Court.

III. SETTLEMENT PROPOSALS

The plaintiffs have presented a written settlement proposal to the defendants in compliance with Local Rule 16.1. The defendants have not responded with a settlement offer.

IV. PROPOSED JOINT DISCOVERY PLAN

The above entitled action was filed on July 11, 2005. After conferring pursuant to Local Rule 16.1, the parties have agreed on the following proposed discovery plan pursuant to F.R.Civ.P. 16(b) and Local Rule 16.1(F):

(1) Joinder of Additional Parties & Amendments to Pleadings

Joinder of parties and amendments of pleadings by July 31, 2006.

(2) Written Discovery Requests (Interrogatories, Requests, Admissions, etc.)

Service of written discovery requests by September 15, 2006.

(3) Factual Depositions

All fact witness depositions concluded by December 29, 2006.

(4) Expert Disclosures & Depositions (Rule 26(a)(2))

Plaintiff's expert disclosures by January 30, 2007, and defendants' expert disclosures by February 28, 2007. Expert depositions to be completed by or before March 31, 2007.

(5) Dispositive Motions

All dispositive motions, including motions for summary judgment, to be filed by April 30, 2007 with any opposition filed within fourteen (14) days thereafter.

(6) Final Pre-Trial Conference

The parties request that a Final Pre-Trial Conference be scheduled after May 31, 2007. The parties will be prepared to commence trial within three (3) weeks following the Final Pre-Trial Conference.

Respectfully submitted,  
For the Plaintiff  
By his attorney,

“/s/ Matthew H. Snell”  
Matthew H. Snell  
David B. Kaplan  
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For the Defendants,  
By its attorneys,

“/s/ Thomas J. Muzyka”  
Thomas J. Muzyka  
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